



Entered on Docket
September 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE 3685 SAN
FERNANDO ROAD PARTNERS LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM Trust to
2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the 3685 San Fernando
3 Road Partners Loan” [Docket No. 7245] (the “Objection”); with appropriate notice of the
4 Objection having been given; with no response to the Objection having been filed; and
5 good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The claims listed in **Exhibit A** are disallowed to the extent those
9 claims are based upon a Direct Lender investment in the San
10 Fernando Loan; and
- 11 3. Nothing in this order should prejudice the rights of USACM Trust to
12 file further objections to any portion of the claims listed on **Exhibit**
13 **A**.

14
15 PREPARED AND RESPECTFULLY SUBMITTED BY:

16 **LEWIS AND ROCA LLP**

17 By /s/ Marvin Ruth (#10979)

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25 *Attorneys for USACM Liquidating Trust*
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 3685 San Fernando Road Partners
10725-01208	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	75,000.00
10725-02007	Moore, Ernest J	2028 I St Sparks, NV 89431	101,522.07	60,000.00
10725-01958	Stricker, Lesley	4 Stanley St Pleasantville, NY 10570	206,760.87	51,102.79
10725-02163	Voglis, Marietta	3333 Allen Prky. Unit 1103 Houston, TX 77019	724,292.85	50,000.00
10725-01918	Brines Revocable Family Trust, Michael R & Cindy G	U/A Dtd 11/5/94, C/O Michael R & Cindy G Brines Tt 4935 El Sereno La Crescenta, CA 91214-3018	771,119.58	100,000.00
10725-02431	Brines Revoc Fam Trust Dtd 11/5/94, Michael & Cind	Michael R & Cindy G Brines Ttees 4935 El Sereno Ave La Crescenta, CA 91214-3018	771,119.58	100,000.00
10725-00546	Bryan, Roger	Roger Marvin & Ann T Bryan Fmly Trust Dtd 8/19/92 1644 N Palo Verde Dr St George, Ut 84770	100,000.00	50,000.00
10725-00437	Toombes, Patsy	Po Box 11665 Zephyr Cove, NV 89448	371,435.14	50,000.00